

DECLARATION, POWER OF ATTORNEY AND PETITION

I, Marshall Sherman, declare that I am a citizen of the United States of America; that my residence and post office address is 875 Nalbey Street, Cardiff by the Sea, California 92007; that I verily believe I am the original, first, and sole inventor of the subject matter of the invention or discovery entitled SYSTEM AND METHOD FOR ASSESSING ICE BALL FORMATION DURING A CRYOABLATION PROCEDURE, for which a patent is sought and which is described and claimed in the specification attached hereto; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Section 1.56(a) of Title 37 of the Code of Federal Regulations.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

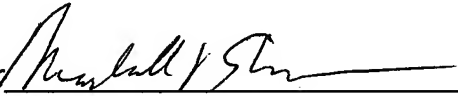
I hereby appoint as my attorneys NEIL K. NYDEGGER, Registration No. 30,202; MATTHEW K. HILLMAN, Registration No. 45,892; and WAYNE M. CHANCELLOR, Registration No. 51,249 with full power of substitution and revocation, to prosecute this

application and to transact all business in the Patent and Trademark Office connected therewith. All correspondence and telephonic communications should be directed to:

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Wherefore, I pray that a letters patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Signed at San Diego, California, this 29<sup>th</sup>  
day of January, 2004.

Inventor   
Marshall Sherman  
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declpoapet:ddb  
Docket: 11350.41